

COMMIT A CRIMINAL ACT... THE GOVERNMENT HAS FAILED TO CARRY ITS BURDEN OF PROVING PREDISPOSITION INDEPENDENT OF ITS ATTENTION," JACOBSON, SUPRA. (SEE SENT. TR. PG. 57, LN. 17-25; PG. 58, LN. 1-5)

PETITIONER CONTENDS THAT HIS ACTIONS REGARDING THE CRIMES FOR WHICH HE WAS CONVICTED CAME ABOUT AFTER THE UNWARRANTED AND UNJUSTIFIED INVESTIGATIONS WERE THE PRODUCT OF INDUCEMENT AND CANNOT SERVE TO CURE THE FAULT THE GOVERNMENT INCURRED WHEN IT VIOLATED PETITIONER'S FIRST, FOURTH, FIFTH AND FIFTEENTH AMENDMENT RIGHTS BY INITIATING THE INVESTIGATION OF PETITIONER. AS THE RECORD REFLECTS IN PETITIONER'S CASE, HE WAS PRESSURED AND INDUCED REPEATEDLY TO COMMIT SAID CRIMES, BEFORE ECONOMIC CIRCUMSTANCES FORCED HIS CO-DEFENDANTS AND HIMSELF TO ACCEPT THE GOVERNMENT'S REPEATED OFFERS, BY WAY OF ITS INFORMANTS, TO COMMIT THE CRIMES FOR WHICH HE STANDS CONVICTED. (SEE SENT. TR. PG. 65, LN. 18-25).

"THE GOVERNMENT NOT ONLY EXCITED JACOBSON'S INTEREST IN MATERIAL BANNED BY LAW BUT ALSO EXERTED SUBSTANTIAL PRESSURE ON HIM TO OBTAIN AND READ SUCH MATERIAL AS PART OF THE FIGHT AGAINST CENSORSHIP AND THE INFRINGEMENT OF INDIVIDUAL RIGHTS. THUS, RATIONAL JURORS COULD NOT FIND BEYOND

A REASONABLE DOUBT THAT JACOBSON POSSESSED THE REQUISITE PREDISPOSITION BEFORE THE GOVERNMENT'S INVESTIGATION AND THAT IT ~~WAS~~ EXISTED INDEPENDENT OF THE GOVERNMENT'S MANY AND VARIED APPROACHES," JACOBSON, SUPRA.

AGAIN, PETITIONER'S CLAIM AS RAISED HEREIN ABOVE GOES TO THE GOVERNMENT'S INITIAL INVESTIGATION. THERE WAS NO PROBABLE CAUSE TO SUSPECT PETITIONER OR HIS CODEFENDANTS WERE INVOLVED IN ANY CRIMINAL ACTIVITY, AND AS THE JUDGE IN THIS HONORABLE COURT POINTED OUT, PETITIONER WAS NOT ENGAGED IN ANY CRIMINAL ACTIVITY WHATSOEVER. AS A RESULT, PETITIONER'S EQUAL PROTECTION RIGHTS WERE ALSO VIOLATED AS HE WAS LAWFULLY ENGAGED IN HIS PROTECTED RIGHT TO FREEDOM OF AND TO PRACTICE RELIGION. SIMILARLY SITUATED INDIVIDUALS, NAMELY CHURCH GOING PATRONS OF THE CHRISTIAN FAITH, AS WELL AS JEWISH PATRONS WORSHIPPING IN SYNAGOGUES WERE NOT AND HAVE NOT BEEN TARGETS OF INVESTIGATIONS OF CRIMINAL ACTIVITY, ~~AND~~ WITHOUT GOVERNMENT AGENTS FIRST ESTABLISHING PROBABLE CAUSE, THE AGENT(S) IN PETITIONER'S CASE HAD NO PROBABLE CAUSE, NOR ANY LEGITIMATE SUSPICION OF ANY WRONGDOING ON PETITIONER'S PART PRIOR TO THEIR CONDUCTING AN INVESTIGATION, INVOLVING THE PRESUMPTION AND LIKELIHOOD THAT

THE INVESTIGATION WAS THE RESULT OF THE DISCRIMINATORY STEREOTYPING AND LABELING ALL MUSLIMS AS TERRORISTS. (SEE TRANSCRIPTS OF SENTENCING Pg. 57, LN. 17-25). WITH RESPECT TO CLAIMS OF "INVIDIOUS DISCRIMINATION IN CONTRAVENTION OF THE FIRST AND FIFTH AMENDMENTS... THE PLAINTIFF MUST PLEAD AND PROVE THAT THE DEFENDANT ACTED WITH DISCRIMINATORY PURPOSE;" *ASHCROFT V. IQBAL*, 556 U.S. 662, 677 129 S. CT. 1937, 173 L. ED. 2D 808 (2009); "DISCRIMINATORY PURPOSE WAS A MOTIVATING FACTOR IN THE [MUNICIPALITY'S] DECISION;" *VILL. OF ARLINGTON HEIGHTS V. METRO. HOUS. DEV. CORP.*, 429 U.S. 252, 270, 97 S. CT. 555, 50 L. ED. 2D 450 (1977). IN *WHITEN V. UNITED STATES*, 517 U.S. 806, 813, 116 S. CT. 1769, 135 L. ED. 2D 89 (1996), A CASE RELEVANT TO PETITIONER'S CLAIMS FOR OBVIOUS REASONS, THE SUPREME COURT RULED, IN DISTINGUISHING BETWEEN SECTION 1983 ACTIONS BASED ON THE FOURTH AMENDMENT, WHERE THE DEFENDANTS' "[S]UBJECTIVE INTENTIONS PLAY NO ROLE," AND ACTIONS BASED ON THE EQUAL PROTECTION CLAUSE, WHICH ARE BASED ON "INTENTIONALLY DISCRIMINATORY APPLICATION," OF THE LAW, AND FURTHER NOTING THAT "THE CONSTITUTIONAL BASIS FOR OBJECTING TO INTENTIONALLY DISCRIMINATORY APPLICATION OF LAWS IS THE EQUAL PROTECTION CLAUSE, NOT

THE FOURTH AMENDMENT,"; "THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT PROVIDES CITIZENS A DEGREE OF PROTECTION INDEPENDENT OF THE FOURTH AMENDMENT PROTECTION AGAINST UNREASONABLE SEARCHES AND SEIZURES," UNITED STATES V. AVERY, 137 F.3d 343, 352 (6TH CIR. 1997); "THOUGH THE FOURTH AMENDMENT PERMITS A PRETEXT ARREST, IF OTHERWISE SUPPORTED BY PROBABLE CAUSE, THE EQUAL PROTECTION CLAUSE STILL IMPOSES RESTRAINT ON IMPERMISSIBLY CLASS-BASED DISCRIMINATIONS," UNITED STATES V. SCOPO, 19 F.3d 777, 786 (2d CIR. 1994). HUNTER, 471 U.S. AT 255 MAKES IT CLEAR THAT A PLAINTIFF, LIKE ONE SIMILARLY SITUATED AS PETITIONER, MUST PROVE, BY A PREPONDERANCE OF THE EVIDENCE, THAT THE ALLEGED "DISCRIMINATION WAS A SUBSTANTIAL OR MOTIVATING FACTOR" FOR THE GOVERNMENT'S ACTION OR DECISION, BUT PETITIONER IS NOT REQUIRED TO SHOW "... THAT A GOVERNMENT DECISIONMAKER WAS MOTIVATED SOLELY, PRIMARILY, OR EVEN PREDOMINANTLY BY "IMPROPER CONCERNS BASED ON RELIGION, SEE CITY OF YONKERS, 96 F.3d AT 611-12.

CONCLUSION

PETITIONER REITERATES FOR THIS HONORABLE COURT THAT HIS CLAIMS ARE BROUGHT ~~HEREIN~~ HEREIN AGAINST THE U.S. ATTORNEY'S OFFICE, AGENT ROBERT FULLER OF THE F.B.I. AS WELL AS ANY AND ALL PERSONS RESPONSIBLE FOR INITIATING AND TAKING PART IN THE INVESTIGATION OF PETITIONER FROM ITS INCEPTION, DUE TO THERE BEING A LACK OF PROBABLE CAUSE, JUSTIFICATION AND/OR REASON WARRANTING SUCH. AS WELL AS THE FACT THAT SAID INVESTIGATION WAS MOTIVATED BY DISCRIMINATORY PRACTICES AS STATED HEREIN ABOVE. ALL THE HEREIN ABOVE CLAIMS ARE VIOLATIONS OF PETITIONER'S FIRST, FOURTH, FIFTH AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION WHICH SERVE TO PROTECT PETITIONER'S RIGHTS AND INTERESTS AGAINST SUCH GOVERNMENT ACTION.

PETITIONER ALSO REMINDS THIS HONORABLE COURT THAT HE IS PROCEEDING PRO SE IN A COMPLEX CASE WITH VERY COMPLEX ISSUES AND PRAYS FOR LIBERAL CONSTRUCTION OF THE INSTANT FILING.

IN POINTING OUT THE OBVIOUS, PETITIONER EXPLAINS TO THIS HONORABLE COURT THAT HE WAS FORCED TO PREPARE

THE INSTANT MOTION ON PEN AND PAPER AND IN HASTE IN ORDER TO MEET HIS ONE YEAR STATUTORY DEADLINE IN WHICH TO FILE HIS 28 U.S.C. § 2255 MOTION. THIS WAS BECAUSE PETITIONER SPENT A COUPLE OF MONTHS IN THE SPECIAL HOUSING UNIT (S.H.U.) WITH LIMITED OR NO ACCESS TO LEGAL MATERIALS RELEVANT TO AID IN THE PREPARATION AND FILING OF SAID MOTION. PETITIONER, ALSO AS A RESULT, WAS UNABLE TO PURCHASE THE REQUISITE COPIES AND TYPING MATERIALS FOR SERVICE UPON THIS COURT AND RESPONDENT. PETITIONER DOES NOT EVEN HAVE A COPY OF THIS MOTION FOR HIS OWN RECORDS BECAUSE HE COULD NOT AFFORD TYPING MATERIALS AND COPY CARDS AS HE IS AN INDIGENT INMATE. THAT BEING THE CASE, PETITIONER PRAYS AND REQUEST THAT THIS HONORABLE COURT SERVE A COPY OF THIS § 2255 MOTION ON RESPONDENT UNITED STATES, AS WELL AS SEND HIM A COPY BACK FOR HIS OWN RECORDS. PETITIONER ALSO PRAYS FOR AND RESERVES THE RIGHT TO SUBMIT, IN SUPPORT OF HIS CLAIMS RAISED HEREIN, AS WELL AS IN REGARDS TO HIS § 2255 MOTION IN GENERAL, A SUPPLEMENT AND/OR ANY EXHIBITS/EVIDENCE

IN SUPPORT OF SAME, AT A REASONABLE TIME IN THE VERY NEAR FUTURE.

FINALLY, PETITIONER NOTES FOR THIS HONORABLE COURT, AND CONSIDERS THIS AS ONE OF HIS CLAIMS OR, "SUPPORT" FOR HIS CLAIMS THE FACT THAT THE SENTENCING COURT AGREED ON RECORD THROUGHOUT THE SENTENCING OF PETITIONER AND HIS CO-DEFENDANTS THAT HAD IT NOT BEEN FOR THE GOVERNMENT'S ACTIONS, NOT ONLY WOULD THERE NOT HAVE BEEN ANY CRIME OR CHARGES THAT PETITIONER AND HIS CO-DEFENDANTS WERE CHARGED WITH AND CONVICTED OF, PETITIONER AND HIS CO-DEFENDANTS COULD NEVER HAVE EVEN DREAMED UP SUCH A CRIME. THE HONORABLE JUDGE EVEN CONCLUDED THAT IF THE GOVERNMENT WOULD HAVE JUST KEPT AN EYE ON CROMBIE, THE EVENTS THAT LED TO HIS ARREST, PETITIONER'S AND THEIR OTHER CO-DEFENDANT'S SIMPLY WOULD NEVER HAVE HAPPENED. STILL, THE HONORABLE COURT, CONTRARY TO THE REASONING DEDUCED FROM HER HONOR'S LENGTHY SENTENCING FINDINGS, CONVICTED AND SENTENCED PETITIONER AND HIS CO-DEFENDANTS TO THE MANDATORY MINIMUM OF 25 YEARS. ALSO OF IMPORT TO NOTE IS THE FACT THE

THE HONORABLE COLLEGE MCMANON STATED THAT THE JURY FOUND THAT PETITIONER AND HIS CO-DEFENDANTS WERE NOT ENTRAPPED AND THAT SHE SAW "NO BASIS TO OVERTURN THEIR VERDICT." (SENT. TR. Pg. 63, LN. 25 - Pg. 64, LN. 1-2) HOWEVER, AS PETITIONER POINTED OUT FROM THE JACOBSON CASE DECIDED BY THE U.S. SUPREME COURT, CLEARLY THERE WAS REASON TO OVERTURN THE JURY'S VERDICT BASED ON THE ENTRAPMENT DEFENSE. PETITIONER, BEING PRO SE AND A LAYMAN TO THE COMPLEXITIES OF THE LAW DOESN'T KNOW HOW TO SPECIFICALLY COUCH THIS CLAIM OTHER THAN TO SAY THAT THE HONORABLE JUDGE MCMANON'S RULING CONTRADICTED MOST OF, IF NOT ALL, HER ASSERTIONS MADE ON RECORD DURING PETITIONER'S SENTENCING.

PETITIONER PRAYS THAT IF THIS HONORABLE COURT IS UNCLEAR OR UNABLE TO INTERPRET ANY OF PETITIONER'S CLAIMS, THAT IT AFFORD HIM AN OPPORTUNITY TO CLARIFY FOR THIS HONORABLE COURT "BEFORE" THIS COURT TAKES ANY ACTION OR ISSUES A RULING REGARDING THE MATTER.

TO ESTABLISH A RECORD OF HIS COMPLAINT, PETITIONER HIGHLIGHTS THE FACT THAT ABOUT FULLER'S INITIAL REASON FOR THE INVESTIGATION

WAS ALLEGEDLY FOR "TERRORIST" ACTS/PLOTS. REASONING THAT WAS HIGHLY TOUTED AND PUBLICIZED. REASONING THAT WAS ALSO LATER DETERMINED TO BE UNSUPPORTED AND UNFOUNDED TO WHICH THE GOVERNMENT WAS FORCED TO CONCEDE WAS NON-EXISTENT. THE LACK OF TERRORIST ACTIVITY, AND ANY CRIMINAL ACTIVITY FOR THAT MATTER, BY PETITIONER AND HIS CO-DEFENDANTS DID NOT STOP THE GOVERNMENT FROM FURTHER INVESTIGATION OF PETITIONER AND HIS CO-DEFENDANTS, BUT SEEMED INSPIRE THEM TO MANUFACTURE, DICTATE AND ORCHESTRATE A FICTITIOUS TERROR PLOT TO SEEMINALLY JUSTIFY THE UNREASONABLE INVESTIGATION THAT ITSELF PROVED FRUITLESS. ALL IN VIOLATION AND CONTRAVENTION OF THE LAW AND ITS INTEGRITY THE GOVERNMENT IS RESPONSIBLE FOR UPHOLDING, ENFORCING AND PROTECTING, ALONG WITH THE CITIZENS, LIKE PETITIONER, WHO IS SUBJECT TO THAT LAW AND WAS ABIDING BY IT WHEN THE GOVERNMENT, WITHOUT RIGHT OR REASON, INTERSECTED ITSELF INTO HIS LIFE.

I, ONTA WILLIAMS, A/K/A "HAMZAH", SWEAR UNDER PENALTY OF PERJURY BY THE LAWS OF THE UNITED STATES OF AMERICA THAT THE HEREIN FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. (28 U.S.C. § 1746).

DATED: OCTOBER 6, 2015.

151 Onta Williams

ONTA WILLIAMS

PETITIONER PRO SE

CERTIFICATE OF SERVICE

I, ONTA WILLIAMS, SWEAR UNDER PENALTY OF PERJURY BY THE LAWS OF THE UNITED STATES OF AMERICA THAT I CAUSED TO BE SENT A TRUE AND CORRECT ORIGINAL AND ONLY COPY OF THE HEREIN 28 U.S.C. § 2255 BY PLACING SAME IN THE PRISON MAILBOX/MAIL SYSTEM, WITH FIRST CLASS POSTAGE PRE-PAID ON OCTOBER 6, 2015, TO:

U.S. COURTHOUSE

CLERK OF THE COURT

500 PEARL ST.

~~300 QUARREPOAS ROAD~~

NEW YORK
~~WHITE PLAINS~~, NEW YORK 10007

151 Onta Williams

ONTA WILLIAMS

PETITIONER PRO SE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ONTA WILLIAMS, A/K/A "HAMZAH",
PETITIONER/AFFIANT,

V.

UNITED STATES OF AMERICA,
RESPONDENT.

CASE NO. 09 CR. 558 (CM)
AFFIDAVIT

AFFIDAVIT IN SUPPORT OF ATTACHED
MEMORANDUM OF LAW IN SUPPORT
OF MOTION FILED PURSUANT TO
28 U.S.C. § 2255

I, ONTA WILLIAMS, A/K/A "HAMZAH" AM THE
PETITIONER/AFFIANT IN THE HEREIN ATTACHED
FILINGS, AM AT LEAST EIGHTEEN (18) YEARS
OF AGE, HAVE FIRST HAND KNOWLEDGE OF
THE FACTS RAISED IN THE INSTANT FILINGS,
AM COMPETENT, OF SOUND MIND AND STATE
AND DECLARE THE FOLLOWING SWEARING
UNDER PENALTY OF PERJURY BY THE LAWS
OF THE UNITED STATES OF AMERICA, THAT:

1.] THAT THE U.S. ATTORNEY'S OFFICE SANCTIONED